



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Chan Woo PARK, et al.

Serial No.: 10/800,704

Group Art Unit: 2823

Filed: March 16, 2004

Examiner: Michelle Estrada

For: METHOD FOR MANUFACTURING NANO-GAP ELECTRODE DEVICE

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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

July 26, 2005

Sir:

Responsive to the Office Action mailed June 1, 2005, the inventive species illustrated in Figs. 6A-6E, comprising removing a portion or all of the separation layer on the first electrode; and forming a second electrode on the separation layer, which is formed on the substrate at a side of the first electrode, is elected, with traverse for prosecution on the merits. Claims 12-16 read on the elected species.

In the Office Action, the Examiner indicated "Figs. 4A-4E" for the second species. Applicant believes that the Examiner intended "Figs. 6A-6E".

The Examiner is respectfully requested to reconsider and withdraw the election requirement. Both 37 C.F.R. §1.141 and M.P.E.P. §806.04(a) provide that a reasonable number of species may be claimed in one application. It is respectfully submitted that the number of species claimed in the present application does not exceed such unreasonable number, particularly in view of the structural similarity of, and the similar field of search required for, the claims species. Reconsideration and withdrawal of the election requirements, therefore, are requested.

If a Petition for Extension is necessary and the petition and the is not enclosed, this will act as a petition to extend the time for response and authorization to charge the necessary fees under 37 CFR 1.17(a)-(d) to Deposit Account 503-121.

Respectfully submitted,
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